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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,504	09/30/2003	Lay Ling Neo	006404.P011	8553

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EXAMINER

HAMMOND, BRIGGITTE R

ART UNIT PAPER NUMBER

2833

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,504

Applicant(s)

NEO ET AL.

Examiner

Brigitte R. Hammond

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 9-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's election without traverse of Species 1 in the reply filed on November 8, 2004 is acknowledged.

Claim 4 has been elected by the applicants as part of specie 1. However, they are not shown in Figure 1 and 3, thus claim 4 is also withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claims 6-8 have been elected by the applicants as part of specie 1. However, they are only directed to Figure 2, thus they are also withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Accordingly, claims 4, 6-8 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3,5,9-11,13,14 and 18-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claim 1 is indefinite because there is an inconsistency within the claim. The claim initially indicates that the subcombination, a dual data connector, is being claimed. However, later, the claim contains positive limitations directed toward the host apparatus and the digital apparatus, suggesting that applicant intends to claim

the host apparatus and the digital apparatus, suggesting that applicant intends to claim the combination of the dual data connector, the digital apparatus and the host apparatus. Applicant is required to clarify what subject matter the claim is intended to be drawn to and the language of the claim must be amended to be consistent with this intent.

For purposes of examination the Examiner shall address only the portions of the claims relating to the dual data connector.

Regarding claim 9, it is unclear to the Examiner exactly what applicant is trying to convey. Therefore claim 9 was not examined in view of art.

The scope of claim 18 is indefinite because there is an inconsistency within the claim. It is unclear to the Examiner exactly what is applicant's invention? Is the digital apparatus part of the portable digital data storage device? It is also unclear what is the fourth connecting part of the portable digital data storage. Applicant is required to clarify what subject matter the claim is intended to be drawn to and the language of the claim must be amended to be consistent with this intent. Therefore claims 18-24 were not examined in view of art.

Claim 2 recites the limitation "the appliance" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 is also unclear to the Examiner? Is applicant claiming the host apparatus?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le 6,609,928 in view of Lee 6,830,484. Le discloses a dual data connector 40 to enable a digital apparatus to be connected to at least one host apparatus, the dual connector comprising a first connecting part 54 of a first interface of the digital apparatus for operative connection with a corresponding second connecting part of a first interface of the host apparatus; and a third connecting part 25 of a second interface of the digital apparatus for operative connection with a corresponding fourth connecting part of the second interface of the host apparatus. Le is silent regarding the electrical connection being in parallel so that the relevant one of the first connecting part and the third connecting part would enable data transfer to take place between the digital apparatus and the host apparatus. However, Lee discloses (col.3, lines 50-55) that generally, parallel connections are used for transmitting data and signals. Therefore, it would have been obvious to one of ordinary skill to modify the data connector of Le by provides the electrical connections in parallel as taught by Lee for independent functioning of the connectors.

Regarding claim 5, the first and second interfaces are USB.

Claim Rejections - 35 USC § 102

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 10-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. US 2004/0203278. Lin et al. discloses an a dual data connector 102 to enable a digital apparatus to be connected to at least one host apparatus, the dual connector comprising a first connecting part 110 of a first interface of the digital apparatus for operative connection with a corresponding second connecting part of a first interface of the host apparatus; and a third connecting part 140 of a second interface of the digital apparatus for operative connection with a corresponding fourth connecting part of the second interface of the host apparatus; the first connecting part being electrically in parallel with the third connecting part, such that if the host apparatus has only one of the first interface and the second interface, the relevant one of the first connecting part and the third connecting part enables data transfer to take place between the digital apparatus and the host apparatus.

Regarding claim 2 (as best understood), if the host apparatus has the first interface and the second interface, at any one time data is able to be transferred between an appliance and the apparatus using only one of the first connecting part and the second connecting part and the third connecting and the fourth connecting part.

Regarding claim 3, the first connecting part is a female connector, the third connecting part is a male connector.

Regarding claims 10,11,13 and 14, the digital apparatus being a portable data storage device¹⁰. NOTE: since the digital apparatus was not positively recited in claim 1, the digital apparatus being a portable data storage device was given little patentable weight.

Regarding claim 12, a digital apparatus 10.

Regarding claim 15, Lin et al. discloses an adapter 102 for a first digital apparatus, the adapter having a first port 110 of a first interface for operative connection with a first connector of the first digital apparatus; the adapter having a second connector 140 of a second interface for connecting with a corresponding second port of a second digital apparatus; the first port 110 being operatively connected to the second connector 140 within the adapter.

Regarding claim 16, the first port and the second connector are each selected from the group consisting of: USB or IEEE 1394 (see col.2, paragraph 0021) and the first port and the second connector being different.

Regarding claim 17, the first digital apparatus is a portable digital data memory device, and the second digital apparatus is a host apparatus.

Conclusion

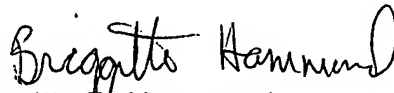
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito 6,203,344 was cited for a similar digital device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-

272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brigitte R. Hammond
Examiner
Art Unit 2833

January 22, 2005